



February 21, 2001

HOUSE BILL No. 1934

DIGEST OF HB 1934 (Updated February 20, 2001 12:03 PM - DI 55)

Citations Affected: IC 25-1; IC 25-21.5; noncode.

Synopsis: Authorizes the executive director of the Indiana professional licensing agency to review appeals of denials of the renewal of certain professional and occupational licenses. Authorizes a person to file an appeal with the executive director of the professional licensing agency if the person's license renewal is denied by a board for which the professional licensing agency performs administrative functions, duties, and responsibilities. Provides that the board of land surveyors must include three members who are engaged in the practice of land surveying on a full-time basis and at least two members who are engaged in the practice of land surveying on a part-time basis. Voids an administrative rule that establishes continuing education requirements for registered land surveyors.

Effective: Upon passage; July 1, 2001.

Gregg, Grubb, Kruzan

January 17, 2001, read first time and referred to Committee on Rules and Legislative Procedures.
February 20, 2001, amended, reported — Do Pass.

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February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1934

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 9. For boards administered by the Indiana**
- 4 **professional licensing agency established by IC 25-1-6-3, the**
- 5 **executive director of the agency is authorized to review appeals of**
- 6 **denials of license renewals in accordance with IC 25-1-6-5.5.**
- 7 SECTION 2. IC 25-1-6-3, AS AMENDED BY P.L.82-2000,
- 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: Sec. 3. (a) There is established the Indiana
- 10 professional licensing agency. The licensing agency shall perform all
- 11 administrative functions, duties, and responsibilities assigned by law
- 12 or rule to the executive director, secretary, or other statutory
- 13 administrator of the following:
- 14 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 15 (2) Board of registration for architects and landscape architects
- 16 (IC 25-4-1-2).
- 17 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

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- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- ~~(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(12)~~ **(11)** Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- ~~(13)~~ **(12)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(14)~~ **(13)** State board of registration for land surveyors (IC 25-21.5-2-1).

(b) **Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter**, nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 3. IC 25-1-6-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial with the executive director of the licensing agency.**

(b) IC 4-21.5-3-29 and IC 4-21.5-3-30 govern the executive director's review of an appeal filed under subsection (a).

SECTION 4. IC 25-21.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The board consists of seven (7) members appointed by the governor.

(b) One (1) member must be appointed to represent the general public who is:

- (1) a resident of Indiana; and
- (2) not associated with land surveying other than as a consumer.

(c) Six (6) members must be registered land surveyors who **actively** engage in the practice of land surveying and who each meet the following conditions:

- (1) Is a citizen of the United States.
- (2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.
- (3) Is registered in Indiana as a land surveyor.
- (4) Has been engaged in the lawful practice of land surveying for



1 at least eight (8) years.

2 (5) Has been in charge of land surveying work or land surveying
3 teaching for at least five (5) years.

4 **(d) Of the registered land surveyors appointed under subsection**
5 **(c), three (3) must be engaged in the practice of land surveying on**
6 **a full-time basis, and at least two (2) must be engaged in the**
7 **practice of land surveying on a part-time basis.**

8 SECTION 5. [EFFECTIVE UPON PASSAGE] 865 IAC 1-13 is
9 void. The publisher of the Indiana Administrative Code and the
10 Indiana Register shall remove this rule from the Indiana
11 Administrative Code.

12 SECTION 6. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1934, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-1-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. For boards administered by the Indiana professional licensing agency established by IC 25-1-6-3, the executive director of the agency is authorized to review appeals of denials of license renewals in accordance with IC 25-1-6-5.5.**

SECTION 2. IC 25-1-6-3, AS AMENDED BY P.L.82-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- ~~(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(12)~~ **(11)** Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- ~~(13)~~ **(12)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(14)~~ **(13)** State board of registration for land surveyors (IC 25-21.5-2-1).

(b) **Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter,** nothing in this chapter may be construed to give the licensing agency policy

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SECTION 3. IC 25-1-6-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial with the executive director of the licensing agency.**

(b) IC 4-21.5-3-29 and IC 4-21.5-3-30 govern the executive director's review of an appeal filed under subsection (a)."

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2001]".

Page 1, line 8, strike "actively".

Page 1, reset in roman line 17.

Page 2, reset in roman line 1.

Page 2, line 4, delete "three (3)" and insert "**at least two (2)**".

Page 2, delete lines 6 through 21, begin a new paragraph and insert: "**SECTION 5. [EFFECTIVE UPON PASSAGE] 865 IAC 1-13 is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this rule from the Indiana Administrative Code.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1934 as introduced.)

MOSES, Chair

Committee Vote: yeas 8, nays 0.

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